

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

STEVE MICHAEL COX,)	3:03-CV-0651-PMP (RAM)
)	
Plaintiff,)	<u>MINUTES OF THE COURT</u>
)	
vs.)	May 26, 2006
)	
E.K. McDANIEL, et al.,)	
)	
Defendants.)	
_____)	

PRESENT: THE HONORABLE ROBERT A. McQUAID, JR., U.S. MAGISTRATE JUDGE

DEPUTY CLERK: GINA MUGNAINI REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Plaintiff has filed a Motion to Compel Discovery of Documents (Doc. #134). Both sets of Defendants have opposed the Motion (Doc. Nos. 137 and 140).

The problem with Plaintiff's motion is that it is premature. Plaintiff served the Request for Production of Documents FRCP 34 (Third Request) on March 30, 2006. Under the Rules, the Defendants had thirty-three (33) days in which to respond to the Request. Plaintiff then served his Motion to Compel (Doc. #134) on April 24, 2006, which was prior to the date the Defendants had to respond to the Request for Production. Therefore, Plaintiff's Motion to Compel (Doc. #134) does not specifically address any of the responses made by the Defendants to the Request for Production and, for that reason, is premature and will be denied.

Plaintiff has filed a Motion to Compel Discovery of Documents (FRCP 37(a)©)) (Doc. #134) is **DENIED**.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: /s/
Deputy Clerk